

House File 2238 - Introduced

HOUSE FILE 2238
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 627)

A BILL FOR

1 An Act relating to termination of parental rights and
2 identification information and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.2, subsection 4, paragraph f,
2 subparagraph (7), Code 2011, is amended to read as follows:

3 (7) Provision for the department or a designee of the
4 department on or before the date the child reaches age eighteen
5 or upon entry of an order under this chapter for termination
6 of parental rights to provide to the child or the child's
7 guardian a certified copy of the child's birth certificate and
8 to facilitate securing a federal social security card. The
9 fee for the certified copy that is otherwise chargeable under
10 section 144.13A, 144.46, or 331.605 shall be waived by the
11 state or county registrar.

12 Sec. 2. Section 715A.8, Code 2011, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 9. A person whose parental rights with
15 respect to a child have been terminated under section 232.117
16 who at any time fraudulently uses or attempts to fraudulently
17 use the child's identification information with the intent to
18 obtain credit, property, services, or other benefit, commits
19 the offense of identity theft.

20 EXPLANATION

21 This bill relates to termination of parental rights and
22 identification information by requiring certain identity
23 documents to be provided to children or their guardians upon
24 entry of a court order for termination of parental rights and
25 establishing an identity theft crime for persons whose parental
26 rights have been terminated.

27 The identity documents requirement is inserted as part of
28 the definition of "case permanency plan" in Code section 232.2,
29 that is required by federal law and applicable to children in
30 a court-ordered out-of-home placement. Under current law,
31 on or before a child in such a placement reaches age 18,
32 the department of human services or a departmental designee
33 is required to provide to the child a certified copy of the
34 child's birth certificate and to facilitate securing a federal
35 social security card.

1 Code section 715A.8, relating to the crime of identity
2 theft, is amended to provide that a person whose parental
3 rights with respect to a child have been terminated under Code
4 section 232.117 who at any time fraudulently uses or attempts
5 to fraudulently use the child's identification information
6 with the intent to obtain credit, property, services, or other
7 benefit, commits the offense of identity theft. This crime
8 is an unlawful practice under Code section 714.16, relating
9 to consumer frauds, and may be punished with civil penalties
10 ordered by the court. The victim of the identity theft may
11 also bring a civil action under Code section 714.16B for
12 damages, recovery of costs, and punitive damages.